

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32683 of 2006(N)

PETITIONER:

**EMILY T.V., W/O.K.V.JOSE, AGE 4L7 YEARS,
L.G.SANSKRIT TEACHER, (PROTECTED), U.P.SCHOOL,
PAZHAYAVITUTHI, RAJAKAD P.O., IDUKKI DISTRICT,
RESIDING AT KANJIRATHINKAL, THURUTHIKARA,
PANGARAPILLY P.O., MULANTHURUTHY, ERNAKULAM DIST.**

BY ADV. SRI.P.P.JNANASEKHARAN

RESPONDENTS:

- 1. SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI, THODUPUZHA.**
- 3. THE MANAGER, S.N.U.P.SCHOOL,
POTHINKANDAM, IDUKKI.**
- 4. THE HEAD MASTER, GOVT. U.P.SCHOOL,
PAZHAYAVITUTHY, IDUKKI.**

BY G.P.SRI.A.J.VARGHESE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.M.JOSEPH, J.

W.P.(C).No. 32683 OF 2006

Dated this the 8th day of December,2006.

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner entered service as L.G.Teacher (Sanskrit) in an aided school. She became protected teacher due to the division fall in her parent school and she was deployed to Govt.U.P.School, Pazhayavituthy on 16-11-2005. In the year 1988, she married a person having a polio-afflicted right hand. It is stated that Thyroidectomy was conducted and due to some error in surgery, her body lost the power of producing calcium resulting in complications. She had to remove her teeth.

2. On medical advice, she submitted an application for leave without allowance for 45 days from 15-06-2006 as she had only 37 and half days leave in her credit. She was asked to appear before the medical board for a second medical examination. In the meantime, petitioner was served with an order of the fourth respondent stating that she is relieved of her duties with effect from the FN of 05-06-06. According to her she had actually worked till 09-06-2006. She again submitted application for extension of leave without allowance. According to her she was on leave upto 27-01-2007.

3. Petitioner challenges Exts.P5 and P7. By Ext.P5 petitioner has been purportedly relieved. It is done on the basis of the orders dated

03-06-06 of the Deputy Director and 12-03-06 of the Manager. As far as Ext.P7 is concerned, it is essentially a show cause notice even though it is stated that it is a decision to cancel the protection.

4. I heard learned Government Pleader also.

5. I feel that the challenge against Ext.P7 which can only be treated as a show cause should not be entertained at this stage. Instead petitioner should be allowed to place her objections to Ext.P7 and I am sure that the authority namely the Deputy Director who issued Ext.P7 will apply his mind in a fair manner in all the objections of the petitioner. The decision to terminate the petitioner in Ext.P7 can only be treated as a tentative decision. Therefore the writ petition is disposed of as follows:

Going by Ext.P7, it is seen that petitioner was to give her objection on or before 08/12/06 and orders were to be passed. In such circumstances, petitioner is granted time upto 20/12/2006 to place her objections to Ext.P7 show cause. Petitioner shall be personally present before the second respondent on 20/12/06 at 11:00 a.m. at his office. Thereafter, after hearing the petitioner also a decision in accordance with law will be taken by the second respondent. I leave open the challenge of the petitioner against Ext.P5.

Writ petition is disposed of as above.

**K.M.JOSEPH.
JUDGE.**

sv.

